

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
EUREKA DIVISION

SAMANTHA ELIZABETH BIDAD,  
Plaintiff,

v.

CAROLYN W. COLVIN,  
Defendant.

Case No. [12-cv-06384-NJV](#)

**ORDER REQUIRING FURTHER  
BRIEFING**

Plaintiff Samantha Bidad appeals the decision of the Commissioner of Social Security denying her claim for social security benefits. Before this court are the parties' motions for summary judgment. *See* Doc. Nos. 20, 21.

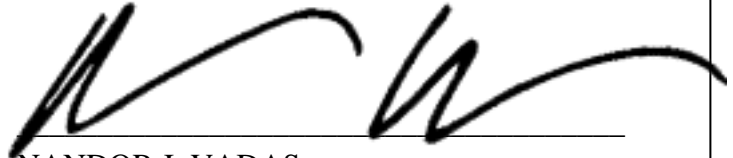
The only issue to be decided is whether an administrative law judge ("ALJ") properly weighed the opinion of Nurse Foster, a nurse practitioner who treated Plaintiff for more than five years. *See* Doc. Nos. 20, 22. Plaintiff argues that because Nurse Foster worked under the supervision of a physician, the ALJ should have accorded her opinion great weight. Doc. No. 20 at 7. The Ninth Circuit has recognized that a nurse practitioner may be considered an "acceptable medical source" for purposes of providing a medical opinion in a social security disability case "to the extent" the nurse practitioner works "closely with, and under the supervision of" a licensed physician. *Taylor v. Comm'r of Soc. Sec. Admin.*, 659 F.3d 1228, 1234 (9th Cir. 2011); *see also Gomez v. Chater*, 74 F.3d 967, 971 (9th Cir. 1996). However, Plaintiff cites no evidence to support her assertion that Nurse Foster worked closely with, and was supervised by, an acceptable medical source when she was treating Plaintiff. *Cf.* Doc. No. 20 at 7 (arguing that the fact that a number of physicians were employed at Nurse Foster's place of employment, "demonstrates the

likelihood that Nurse Foster worked under the supervision of an acceptable medical source”).

Within fourteen days of the date of this order, Plaintiff shall file a letter brief not to exceed three pages, identifying evidence in the record that Nurse Foster worked closely with, and was supervised by, an acceptable medical source. *Mack v. Astrue*, 2013 U.S. Dist. LEXIS 6692, \*12-\*19 (N.D. Cal. Jan. 15, 2013) is instructive. Failure to file the additional brief shall be deemed a concession that Plaintiff cannot make the required showing. Defendant may respond within one week of Plaintiff’s filing with a three page letter brief.

**IT IS SO ORDERED.**

Dated: July 17, 2013

  
\_\_\_\_\_  
NANDOR J. VADAS  
United States Magistrate Judge